

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Alejandro TAVERA-Sanchez, )  
 )  
Defendant. )

Mag. Case No. **'07 MJ 8948**

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about November 21, 2007, within the Southern District of California, defendant Alejandro TAVERA-Sanchez, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Marco A. Miranda  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF NOVEMBER 2007.

PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Marco Miranda declare under penalty of Perjury, the following is true and correct:

## PROBABLE CAUSE STATEMENT

The complaint states that this complaint is based upon statements in the investigative reports by the apprehending agent, Border Patrol Agent J. Gonzalez, that on November 21, 2007, the defendant, a native and citizen of Mexico, was apprehended near Ocotillo, California, as he attempted to enter the approximately 11 miles west of the Calexico, California west Port of Entry.

Agent Gonzalez was performing line watch duties approximately 11 miles west of the Calexico, California Port of Entry. The Remote Video Surveillance Systems (RVSS) observed two individuals one later identified as Alejandro TAVERA-Sanchez illegally cross the U.S./Mexico Boundary. The RVSS operator maintained constant visual as TAVERA continued north. Agent Gonzalez responded to the area and identified himself as a Border Patrol Agent. BPA Gonzalez questioned TAVERA and the other subject as to their immigration status to be in the United States. Both TAVERA and the other subject stated that they were citizens of Mexico and illegally in the United States. TAVERA and the other subject were placed under arrest.

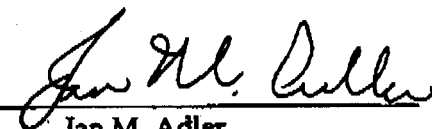
Record checks revealed that an Immigration Judge ordered TAVERA deported to Mexico from the United States on September 30, 1997. Record checks also revealed that TAVERA has an extensive criminal record.

At approximately 1502 hours, TAVERA was advised of his Miranda Rights by BPA B. Henesy and witnessed by BPA T. Louck. TAVERA stated that he understood his rights and was willing to answer questions without an attorney present. TAVERA stated that he was a citizen of Mexico and that he didn't have any documents to reside or work legally in the United States. TAVERA also stated that he has previously been deported from the United States and didn't seek permission from the Attorney General to reenter after having been deported. TAVERA was advised that he was being prosecuted for reentry after deportation. There is no evidence TAVERA has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.

Executed on November 22, 2007 at 0900.

  
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on November 21, 2007 in violation of Title 8, United States Code 1326.

  
Jan M. Adler  
United States Magistrate Judge

11/23/07 @ 9:50 a.m.  
Date/Time